

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #7	CCRB Case #: 201508051	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/20/2015 6:30 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 3/20/2017	EO SOL 3/20/2017	
Date/Time CV Reported Tue, 09/22/2015 4:22 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 09/22/2015 4:22 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Shibu Madhu	04772	944754	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Shibu Madhu	Abuse: Sgt. Shibu Madhu entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.SGT Shibu Madhu	Abuse: Sgt. Shibu Madhu threatened to arrest § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On September 20, 2015, at approximately 6:30 p.m., Sgt. Shibu Madhu, and two unidentified officers arrived at § 87(2)(b)'s apartment, located at § 87(2)(b) in Brooklyn. § 87(2)(b) did not witness the entry because she was in her bedroom, but she was informed by her daughter, § 87(2)(b) that Sgt. Madhu and two unidentified officers allegedly entered the apartment without permission and that Sgt. Madhu opened a bedroom door before going to § 87(2)(b)'s bedroom (**Allegation A**). As Sgt. Madhu entered § 87(2)(b)'s bedroom, § 87(2)(b) asked him if he had a warrant, to which he allegedly replied, "Do you want me to arrest you?" (**Allegation B**). Afterwards, Sgt. Madhu explained that they were at the location because they were looking for Joseph § 87(2)(b)'s nephew, in regards to an assault outside the building. Satisfied that § 87(2)(b) was not at the location, the officers departed. One suspect, who is unrelated to § 87(2)(b) was arrested in connection with the assault, but neither § 87(2)(b) nor § 87(2)(b) were summonsed or arrested.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation, and the case was sent to the Mediation Unit on December 15, 2015; however, the Mediation Unit returned the case on January 7, 2016, because the two officers that accompanied Sgt. Madhu remained unidentified.
- As of January 29, 2016, § 87(2)(b) has not filed a notice of claim against the City of New York (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s fourth complaint with the CCRB. § 87(2)(b)
- Sgt. Madhu has been a member of the NYPD for eight years. Sgt. Madhu has been the subject of 29 allegations stemming from 14 cases. In CCRB 200912984, a force allegation and an abuse of authority allegation were substantiated; however, the NYPD decided to take no disciplinary action. In CCRB 201308582, an abuse of authority allegation was substantiated, for which he received formalized training. Sgt. Madhu currently has three open complaints, CCRB cases 201504856, 201508496, and 201509833.

NYPD Documentation and Attempts to Identify Witness Officers

- § 87(2)(b) described the two additional officers that entered her apartment as a white male with hazel eyes and a Hispanic male, both of whom were approximately 5'7" tall and weighed approximately 150 pounds. § 87(2)(b) described the two additional officers as a white male with a slightly heavy build, blue eyes, and bald, and a Hispanic male that was approximately 5'9" tall, with a slim build, less than 30 years old, and with brown hair.
- There was no NYPD documentation noting which officers accompanied Sgt. Madhu to the apartment, Sgt. Madhu was unable to recall which officers accompanied him, and all of the

potential witness officers interviewed for this case did not have any independent recollection of being involved in this incident.

- The Event Information and corresponding roll call determined that the Impact Sergeant (Sgt. Madhu with the operator PO Francisco Rivera), unit 75SP4 (PO Patrick Rogin and PO Andrzej Maziarz), unit 75-J (PO Adam Silver and PO Justin Grieco), and unit 75-I (PO Katie Cameron and PO Kristen Perkins) responded to an assault at Pennsylvania Avenue and Linden Boulevard, which is near § 87(2)(b). The Impact Sergeant subsequently canvassed at § 87(2)(b) (Board Review 04).
- The Complaint Report noted that PO Patrick Rogin arrested the suspect for assault. (Board Review 05).
- The Impact Overtime Deployment sheet noted that PO Michael Victoria and PO Gregory Antonelli were posted at Wortman Avenue between Van Siclen Avenue and Pennsylvania Avenue, which is on the same block as § 87(2)(b)'s apartment. Neither officer had any memo book entries related to this incident (Board Review 15-17).
- All of the above officers were excluded as potential subject officers based on their pedigree information, CCRB interviews, or memo book entries (Board Review 08-14).

Findings and Recommendations

Explanation of Subject Officer Identification

- Sgt. Madhu was interviewed at the CCRB and he confirmed that he entered § 87(2)(b). Sgt. Madhu could not identify the officers that accompanied him to the location. § 87(2)(g)

Allegation A – Abuse of Authority: Sgt. Shibu Madhu entered and searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) alleged that Sgt. Madhu and two unidentified officers entered and searched her apartment without consent. § 87(2)(b) was in her bedroom when the officers arrived, so she was unable to witness the entry, but she was later informed of its details by her daughter, § 87(2)(b) (Board Review 19). In her unverified phone statement, § 87(2)(b) alleged that Sgt. Madhu and two unidentified officers knocked on her door and asked if her cousin Joe was in the apartment. Sgt. Madhu then requested if he could take a look inside, to which § 87(2)(b) replied, “Just a sec.” As soon as § 87(2)(b) turned around to go get her mother, the officers allegedly entered the apartment and followed her inside. As § 87(2)(b) and the officers walked to § 87(2)(b)'s room, Sgt. Madhu allegedly looked inside her brother's room and behind its door. Before departing, Sgt. Madhu looked inside § 87(2)(b)'s room as well (Board Review 20).

Sgt. Madhu acknowledged that he and two unidentified officers canvassed at § 87(2)(b) in regards to an assault, which occurred at a location nearby, and subsequently entered and searched § 87(2)(b)'s apartment; however, he stated that he received consent from one of the female occupants before entering. Sgt. Madhu could not recall whether § 87(2)(b) or § 87(2)(b) answered the door, but he recalled explaining to the female that they were at the location looking for a suspect and asking if it was ok if they entered and looked

for the individual. The female allegedly responded with “sure” and allowed the officers to enter. Sgt. Madhu testified that he only had to request permission one time. Sgt. Madhu then searched the living room and two bedrooms. He also encountered a second female in the apartment, and offered the same explanation. Sgt. Madhu could not identify the two officers that accompanied him to § 87(2)(b) s apartment (Board Review 21).

PO Rivera, PO Rogin, PO Antonelli, and PO Victoria were all interviewed in regards to the incident, but they did not have any independent recollection of conducting a canvass with Sgt. Madhu on the date of the incident. PO Rogin recalled conducting a canvass in regards to the assault, but he stated that he did not conduct a canvass with Sgt. Madhu and he did not enter any apartment buildings (Board Review 22). PO Rivera did not have any independent recollection of conducting a canvass with Sgt. Madhu, and there was no NYPD documentation to confirm or exclude his presence at the location (Board Review 23). PO Antonelli and PO Victoria recalled that there was a call about an assault, but their involvement was minimal and they did not conduct a canvass in regards. Furthermore, both officers stated that they had not interacted with Sgt. Madhu until a few weeks prior to their CCRB interview (Board Review 24, 25).

§ 87(2)(g)

Allegation B – Abuse of Authority: Sgt. Shibu Madhu threatened to arrest § 87(2)(b)

§ 87(2)(b) § 87(2)(b) alleged that Sgt. Madhu threatened to arrest her after she asked him if he had a warrant. § 87(2)(b) explained that she was startled by the officers’ abrupt presence in her apartment, but she was cooperative with Sgt. Madhu during their interaction and answered his questions (Board Review 19). In her unverified phone statement, § 87(2)(b) § 87(2)(b) alleged that Sgt. Madhu made a comment to § 87(2)(b) indicating that she could be arrested if she did not cooperate. § 87(2)(b) also stated that she and § 87(2)(b) answered Sgt. Madhu’s questions, and at one point, even called her cousin Joe at the behest of Sgt. Madhu (Board Review 20).

Sgt. Madhu denied that he threatened to arrest § 87(2)(b) if she did not cooperate, and he described her as being “nice” and compliant during their entire interaction. Sgt. Madhu denied that he was asked for a search warrant or an arrest warrant by § 87(2)(b) (Board Review 21).

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]
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Squad: 7

Investigator: _____ Alfredo Gonzalez _____
Signature Print Date

Squad Leader: _____ Diana P. Murray _____
Title/Signature Print Date

Attorney: _____ _____
Title/Signature Print Date